

**The Commonwealth of Massachusetts
Commission Against Discrimination
One Ashburton Place, Boston, MA 02108
Phone: (617) 994-6000 Fax: (617) 994-6024**

MCAD DOCKET NUMBER: 16NEM02982
FILING DATE: 08/31/16

EEOC/HUD CHARGE NUMBER: 16C-2016-02452
VIOLATION DATE: 11/06/15

Name of Aggrieved Person or Organization:

Elizabeth Gebo
22 Stoney Hill Lane
West Tisbury, MA 02575
Primary Phone: (508)560-3179 ext. _____

Named is the employer, labor organization, employment agency, or state/local government agency who discriminated against me:

Town of Chilmark
Attn: Director of Human Resources
401 Middle Road
Chilmark, MA 02535
Primary Phone: (508)645-2107 ext. _____

Brian Cioffi, Police Chief, Individually
15 State Road, P.O. Box 340
Chilmark, MA 02535
Primary Phone: (508)645-3310 ext. _____

No. of Employees: 25+

Work Location:

Cause of Discrimination based on:

Sex discrimination / Sexual Harassment; Retaliation

The particulars are:

I, Elizabeth Gebo, the Complainant believe that I was discriminated against by Town of Chilmark, Brian Cioffi, Police Chief, Individually, on the basis of Sexual Harassment and Retaliation. This is in violation of M.G.L. c. 151B Section 4 (16A) (4) (4A) and Title VII

see attached

I hereby verify, under the pains and penalties of perjury, that I have read this complaint and the allegations contained herein are true to the best of my knowledge.

(Signature of Complainant)

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION
One Ashburton Place, Room 601
Boston, MA 02108

Elizabeth Gebo

Plaintiff

Vs.

Town of Chilmark
Brian Cioffi

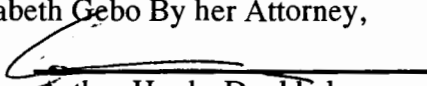
Defendants

AUG 31 2016

Notice of Appearance

Attorney Arthur Hardy-Doubleday hereby enters his appearance as counsel for the
Plaintiff Elizabeth Gebo.

Respectfully submitted,
Elizabeth Gebo By her Attorney,


Arthur Hardy-Doubleday
BBO# 683832
Doubleday LAW
745 Atlantic Ave
8th Floor
Boston MA 02111
(617) 575-2006
Arthur@doubledaylaw.com

August 31, 2016

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA
☐ EEOC

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

Mrs. Elizabeth Gebo

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

22 Stoney Hill Lane West Tisbury MA

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Town of Chilmark

508 645 - 2107

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

401 Middle Road Chilmark MA 02535

Dukes

NAME

TELEPHONE NUMBER (Include Area Code)

Police Chief Cioffi

508 645 3310

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

15 State Rd Chilmark MA 02535

Dukes

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

DATE DISCRIMINATION TOOK PLACE

EARLIEST (ADEA/FEPA)

LATEST (ALL)

2/2011

11/6/15

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ AGE
☒ RETALIATION ☐ NATIONAL ORIGIN ☐ DISABILITY ☐ OTHER (Specify)

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

2

See Attached Complaint

AUG 31 2016

OCT 28 2016

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

9/3/16

Elizabeth Gebo

Date

Charging Party (Signature)

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

One Ashburton Place, Room 601

Boston, MA 02108

Elizabeth Gebo

Plaintiff

Vs.

Town of Chilmark

Brian Cioffi

Defendants

AUG 31 2016

Complaint Narrative:

1. Elizabeth Gebo is a Caucasian woman. Ms. Gebo was a Police Officer with the Chilmark Police department. After working successfully as a traffic officer and later a "Special" (Reserve Intermittent) Officer, she accepted a position as a full time police officer at the Chilmark Police Department. During the course of her employment, the now Chilmark Police Chief Brian Cioffi started to make sexual advances toward Ms. Gebo. At first Ms. Gebo rejected said advances, however over time, pursuant to Chief Cioffi's persistence, Ms. Gebo found herself in a sexual relationship with Chief Cioffi. Chief Cioffi increased Ms. Gebo's shifts and made sure she worked a similar schedule as him. While still working as a Special Officer, Chief Cioffi secured part-time employment for Ms. Gebo to work on computer systems for all Martha's Vineyard police departments. This in effect allowed Ms. Gebo to go from part-time employment to full-time employment with the Chilmark Police Department. Ms. Gebo, on a number of occasions, tried to end the relationship with Chief Cioffi but was manipulated into maintaining said relationship. When Ms. Gebo informed Chief Cioffi she was getting engaged, Chief Cioffi expressed his displeasure. When Ms. Gebo got married to her now husband, Chief Cioffi informed Ms. Gebo that he was leaving his wife as

means to keep Ms. Gebo in a relationship with him. This in turn made the work environment uncomfortable for her if they were not involved in a sexual relationship. Ms. Gebo attempted suicide and reported to her medical provider that she was threatened and/or intimidated by her male peers at work, referring to Chief Cioffi. Chief Cioffi made sure that said suicide attempt was not officially recorded as such and allowed Ms. Gebo to return to work shortly thereafter. Ms. Gebo threatened suicide in the Chilmark Police station by holding her duty firearm to her head. Chief Cioffi took the firearm away from her and allowed Ms. Gebo to continue to work without any report of such incident. Ms. Gebo eventually took a leave of absence pursuant to the hostile work environment that had developed over the course of her relationship with Chief Cioffi. On November 6, 2015, Ms. Gebo returned to the Chilmark Police Department to discuss her return to the police force. Chief Cioffi informed Ms. Gebo that she could not return to the police force pursuant to reasons related to her medical leave. She subsequently resigned due to Chief Cioffi's reasons and her fear of returning to a hostile work environment.

2. The Town of Chilmark, as Brian Cioffi's supervisors and Chief Cioffi failure to investigate and take prompt and adequate remedial action in response Chief Cioffi's continually harassing Ms. Gebo constitute sexual harassment, hostile work environment and retaliation in violation of G. L. c. 151B, on account of the Chief Cioffi's interference with Ms. Gebo's right to a non-hostile work environment.
3. As a result of the Police Department and the town of Chilmark's failure to adequately respond to these incidents, Ms. Gebo has suffered and will continue to suffer substantial monetary damages and significant emotional distress.

BACKGROUND

4. In June of 2008, Ms. Gebo (maiden name Elwell) is hired as a traffic officer for the Chilmark Police Department.
5. Ms. Gebo meets Officer Brian Cioffi.
6. In August of 2008, Ms. Gebo enters into a relationship with Mr. Gebo (her then boyfriend, whom she will then later marry).
7. Officer Cioffi becomes the Chilmark Police Chief on July 1, 2009.
8. In June of 2009, Ms. Gebo is promoted to "Special" (Reserve Intermittent) Officer for the Chilmark Police Department.
9. Ms. Gebo and Chief Cioffi share a platonic relationship with each other outside of work. They also have a friendship with both parties' respective partners. The two couples frequently have dinner together and participate in activities together, usually on a weekly or bi-monthly basis.
10. Chief Cioffi and his wife also have a friendship with both Ms. Gebo's and Mr. Gebo's parents.
11. In the winter of 2010, Chief Cioffi begins to work with Ms. Gebo on day shifts, and more frequently, evening shifts.

Sexual Harassment

12. In late February of 2011, during a night shift, Chief Cioffi asks Ms. Gebo while they are driving in a cruiser, "What would you do if I kissed you?"
13. Ms. Gebo rejects Chief Cioffi's offer.
14. Later within the same night, Chief Cioffi tells Ms. Gebo, "you're killing me" referring to Ms. Gebo's rejection of Chief Cioffi's offer to kiss her and his feelings for her (which Chief Cioffi later discloses).
15. At the end of the shift that night, Chief Cioffi tells Ms. Gebo he has feeling for her, Ms. Gebo again rejects his offer.
16. Chief Cioffi attempts to kiss Ms. Gebo, but she rejects his kiss.
17. In March of 2011, Chief Cioffi is measuring to potentially re-do flooring at Ms. Gebo's parents' house, where she and Mr. Gebo reside, and kisses Ms. Gebo when no one is present.

18. Shortly thereafter Chief Cioffi puts Ms. Gebo on a similar schedule to his so they would share shifts.
19. Chief Cioffi admits on the night that he discloses that he has feelings for Ms. Gebo he has been putting her on shifts with him in order to work with her more.
20. In March of 2011, Chief Cioffi and Ms. Gebo engage in sexual activity one night while in a cruiser, but do not have intercourse at that time.
21. In March of 2011, Chief Cioffi and Ms. Gebo have intercourse in the women's locker room, located in the Chilmark Police Department.
22. March 14, 2011, Ms. Gebo tells Chief Cioffi she no longer wishes to have a sexual relationship with him.
23. The sexual relationship between Ms. Gebo and Chief Cioffi resumes a short time later.
24. Late May of 2011, the sexual relationship again ends.
25. Early June of 2011, Chief Cioffi tells Ms. Gebo he is jealous of the relationship Ms. Gebo has with her then boyfriend, Mr. Gebo.
26. During the summer of 2011, Chief Cioffi tells Ms. Gebo that he loves her.
27. During the summer of 2011, Ms. Gebo is assigned to the midnight shift. Chief Cioffi and Ms. Gebo engage in a sexual relationship during said shifts.

Hostile Work Environment

28. In August of 2011, Ms. Gebo again tries to end the sexual relationship with Chief Cioffi.
29. In August of 2011, Ms. Gebo expresses to Chief Cioffi that she and Mr. Gebo intend to get engaged. Chief Cioffi expresses to Ms. Gebo that he is upset about her and Mr. Gebo's pending engagement.
30. On August 14, 2011 Ms. Gebo tells Chief Cioffi that she is officially engaged to Mr. Gebo.

31. Ms. Gebo notices that during the time when she and Chief Cioffi were in a sexual relationship, she has more shifts, overtime, and opportunities at the Chilmark Police Department.
32. During the course of the relationship, Ms. Gebo is occasionally told by other officers in the department that they notice she receives special treatment and is treated differently by Chief Cioffi than they are.
33. In August 2011, Chief Cioffi offers Ms. Gebo a part-time job working for the Martha's Vineyard Law Enforcement Council, which includes all of the Martha's Vineyard police chiefs, in order to improve the computer program the island towns utilize.
34. Ms. Gebo accepts his offer.
35. Chief Cioffi tells Ms. Gebo that he created the position to keep her at the department.
36. Frequently during the time Ms. Gebo is employed as a part-time employee/special officer, Ms. Gebo, Chief Cioffi, other police officers (including police chiefs) and other civilians (depending on the week) have lunch every Friday at the Chilmark Police Department.
37. During one of these lunches, in the presence of other police officers (including police chiefs) and civilians, Chief Cioffi tells Ms. Gebo that if she ever got pregnant, he would fire her. Also attending said lunch is attorney Jack Collins. Jack Collins, along with being a "Special" police officer with the Chilmark Police, is a labor attorney and the General Counsel for the Massachusetts Chiefs of Police Association.
38. On April 21st of 2012 Ms. Gebo marries Mr. Gebo.
39. Chief Cioffi, his wife, and child are invited to the Gebo's wedding with the child being the ring bearer for said wedding.
40. On the day that Ms. Gebo gets married. Chief Cioffi, his wife and child leave the wedding reception early.
41. Chief Cioffi expresses that he was upset at the wedding, which is why he left.
42. Later that evening, Chief Cioffi tells Ms. Gebo he is leaving his wife.
43. Chief Cioffi states that he has told his wife of such intentions.

44. Chief Cioffi tells Ms. Gebo that he has moved into a separate building on his property.
45. Approximately two months later, Chief Cioffi tells Ms. Gebo that he has moved back into his house and expresses to Ms. Gebo his intentions to stay with his wife.
46. April 23, 2012 Chief Cioffi invites Ms. Gebo to attend a Children Cove Training held in a Best Western Hotel.
47. During the summer of 2012, Ms. Gebo starts to have anxiety and loses weight, dropping to under 100 pounds.
48. July 1, 2012, Ms. Gebo is promoted to full-time officer at the Chilmark Police Department.
49. Chief Cioffi communicates to Ms. Gebo that he has played an active role in her promotions, pursuant to their relationship.
50. Chief Cioffi expresses to Ms. Gebo that he believes she will be chief in the future.
51. August of 2012, Ms. Gebo starts taking anti-depressants.
52. September 2012 through February 2013, Ms. Gebo attends the police academy.
53. Chief Cioffi continues to have sex with Ms. Gebo during her time in the academy, at times travelling and spending nights off island in hotels where they engage in sexual activity.
54. January 19, 2013 Chief Cioffi emails Ms. Gebo after she blocks him on her phone during an argument: "Now u want to talk. U just told me u were done...Yup as u say. I tried. U didn't. U ended it this time. Not me. U tried to get me to. Did not work though." Ms. Gebo replies: "How can you do all that with me then go off island all day with her."
55. Later that same night Chief Cioffi invites Ms. Gebo to attend an eight day program at the Woburn Police Department.
56. April 8, 2013 Chief Cioffi invites Ms. Gebo to attend the course "Street Level Narcotics."

57. In April 2013, Ms. Gebo is requested by the West Tisbury Police to assist in giving a presentation at the West Tisbury School on “sexting”, following an incident at the school.
58. Ms. Gebo becomes frustrated with Chief Cioffi’s negative response to the West Tisbury Police Chief’s strategy and plan for the presentation.
59. Ms. Gebo tells Chief Cioffi that she will not participate in the presentation due to his unwillingness to cooperate with the West Tisbury Police Chief and the arguments between the two chiefs as a result.
60. Chief Cioffi tells Ms. Gebo she has to do the presentation.
61. Chief Cioffi ultimately agrees to move forward with the plan the West Tisbury Police Chief wishes to execute.
62. On April 25, 2013 Chief Cioffi emails Ms. Gebo a PowerPoint entitled “Sexting Epidemic” for her and Mr. Gebo to present at the West Tisbury School.
63. Ms. Gebo and Mr. Gebo subsequently present the PowerPoint at the West Tisbury School.
64. April 25, 2013 Chief Cioffi invites Ms. Gebo via email to attend the MACA’s 3rd Annual Statewide Conference.
65. April 29, 2013 Chief Cioffi request via email for Ms. Gebo to register the both of them for the MACA’s 3rd Annual Statewide Conference.
66. Chief Cioffi and Ms. Gebo attend said conference and engage in sexual activity during their trip.
67. July 19, 2013 Chief Cioffi invites Ms. Gebo via email to attend the Children’s Cove Conference on Child Sexual Abuse. He writes in the email: “do you want to go and stay off island for the night”
68. August 27, 2013 Chief Cioffi invites Ms. Gebo via email to the “Street Level Narcotics Investigation – 8 Day Program”.
69. August 30, 2013 Chief Cioffi asks Ms. Gebo via email if they are attending the Children Cove Conference together.
70. Ms. Gebo and Chief Cioffi do not attend said conference

71. October 31-November 1 and November 4-7, 2013, Ms. Gebo attends the "Street Level Narcotics" course in Norwood, MA. Ms. Gebo stays off-island with friends during this course.
72. November 14, 2013 Ms. Gebo attempts suicide by overdosing on anti-depressants following a conversation with Chief Cioffi where he tells her that she won't do it, meaning attempt suicide.
73. During her hospital care, she discloses to hospital staff that she suffers from low self-esteem, and that she feels intimidated and/or threatened by her male peers at work.
74. Chief Cioffi requests that hospital staff do not commit Ms. Gebo to inpatient care, despite Mr. Gebo acknowledging Ms. Gebo's need for inpatient hospitalization.
75. Chief Cioffi requests that Ms. Gebo's care be transferred to a psychologist who works with police and other public safety personnel on a regular basis.
76. Approximately twenty-four hours after Ms. Gebo attempts suicide, she is cleared to return to work by said psychologist.
77. Following Ms. Gebo's suicide attempt she takes a short leave from work.
78. Chief Cioffi donates a portion of the hours (vacation, holiday, compensatory, sick, etc.) that he has accrued for Ms. Gebo to use instead of her own accrued time.
79. Following Ms. Gebo's suicide attempt, she begins to see a psychiatrist.
80. Chief Cioffi questions Ms. Gebo's suicide attempt, claiming the hospital staff advised him there was no evidence of overdose. Ms. Gebo subsequently requests her hospital records and allows Chief Cioffi to review them.
81. During the winter of early 2014, Ms. Gebo is "popping pills" (anxiety medication prescribed by her psychiatrist) on many of her shifts to reduce her anxiety. Chief Cioffi is aware of this behavior.
82. Ms. Gebo threatens several times to attempt suicide. Chief Cioffi tells her during those times that she will not do it.
83. Ms. Gebo threatens several times to disclose their sexual relationship to Chief Cioffi's wife and Ms. Gebo's husband. Ms. Gebo also threatens to tell the

town selectman. Chief Cioffi tells her several times that she will not do it. Chief Cioffi tells her in an email she will not “spill the beans”.

84. Ms. Gebo takes more than the prescribed amount of her medications on several occasions in order to harm herself, but is never hospitalized.
85. January 6, 2014 Chief Cioffi emails Ms. Gebo; “You need to stop emailing because this email is open to public view.”
86. January 14, 2014 Chief Cioffi invites Ms. Gebo via email to attend a training that investigates sex crimes against children.
87. February 6, 2014 Chief Cioffi invites Ms. Gebo to attend a four day seminar on Undercover Officer Survival Techniques.
88. In the winter of 2014, Ms. Gebo tells her husband in person at their home and Chief Cioffi’s wife, via text message about her sexual relationship with Chief Cioffi.
89. During the Spring/Summer of 2014 Ms. Gebo and Chief Cioffi continue to have a sexual relationship, without the knowledge of their partners.
90. On March 26, 2014 Ms. Gebo forwards an email to Chief Cioffi about a course called “Preventing and Addressing Workplace Discrimination for employees”. Ms. Gebo asks Chief Cioffi “Should I take this? Hahahaha”. Chief Cioffi replies “NOOOOOOOOOO”.
91. During the summer of 2014, Ms. Gebo threatens to shoot herself inside the Chilmark Police Department. Chief Cioffi takes the gun away from Ms. Gebo. Ms. Gebo is allowed to continue to work as a police officer carrying a gun.
92. During the summer of 2014 Ms. Gebo shoots off her gun while having an argument with Chief Cioffi over the phone because she is so distraught in an attempt to make him believe that she shot and killed herself. Ms. Gebo is allowed to continue to work as a police officer carrying a gun.
93. During the summer of 2014, Chief Cioffi threatens Ms. Gebo on several occasions that he will commit suicide.
94. During the summer of 2014, Ms. Gebo and Chief Cioffi have an argument while inside a cruiser. Ms. Gebo tries to exit the cruiser. Chief Cioffi grabs Ms. Gebo and leaves bruises on her arm.

95. Ms. Gebo continues the relationship with Chief Cioffi to make her work life tolerable.
96. August 8, 2014 Chief Cioffi invites Ms. Gebo to attend a five day training in Grafton via email.
97. In late August of 2014, Ms. Gebo and Chief Cioffi's sexual relationship ends permanently.
98. September 19, 2014 Chief Cioffi invites Ms. Gebo via email to attend a MPI Training.
99. September 24, 2014 Chief Cioffi asks Ms. Gebo via email if she is attending a Roundtable Meeting.
100. Over the course of the sexual relationship, Chief Cioffi and Ms. Gebo engage in sexual activity at the Chilmark Police station, Chief Cioffi's home, Ms. Gebo's home, in Chilmark Police cruisers, and several other locations.
101. Over the course of Ms. Gebo and Chief Cioffi's sexual and emotional relationship, they consistently have very volatile arguments leading to severe emotional distress and a hostile work environment for Ms. Gebo.
102. On several occasions Ms. Gebo threatens to resign from her position as full time police officer due to her hostile work environment, and inability to have a tolerable relationship with Chief Cioffi.

Constructive Discharge Pursuant to a Hostile Work Environment

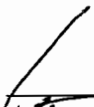
103. During the Fall/Winter of 2014, Chief Cioffi threatens to put Ms. Gebo on administrative leave due to her distressed mental state, but does not.
104. In December of 2014 Ms. Gebo requests a one year leave of absence for medical reasons and is granted said leave in January 2015.
105. In February of 2015 Ms. Gebo enters a voluntary inpatient program at the Austen Riggs Center in Stockbridge, MA to work on her medical issues.
106. On March 6, 2015 Chief Cioffi writes "For ill will or harm I have caused I am apologetic" in an email to Ms. Gebo.

107. March 7, 2015 Chief Cioffi writes in an email to Ms. Gebo during an argument which began over the phone: "I'm not. I don't want to engage in conversations with you. You have your versions and thoughts. I have mine. We disagree and still don't come to a settlement. You say you want to be nice. Yet you just email me I am a cold hearted bastard. Basically Liz I don't want to communicate with you. I honestly think the sooner you can bring yourself to not try to communicate with me the sooner you will feel better. The simplest way for me to put this is its time to move forward and stop all communications from now on until you either return to work or decide to resign."
108. In June of 2015 Ms. Gebo discharges from the voluntary inpatient program at the Austen Riggs Center and continues seeking outpatient treatment until the end of August 2015 when she returns home.
109. In the time before Ms. Gebo meets with Chief Cioffi on November 6, 2015, Ms. Gebo makes several attempts to form an amicable relationship with Chief Cioffi in order to make her workplace less hostile and more tolerable when she returns.

Retaliation

110. On November 6, 2015 Ms. Gebo meets with Chief Cioffi to discuss her return to work. Chief Cioffi tells Ms. Gebo that she cannot return to work because of her documented mood disorders.
111. Ms. Gebo subsequently resigns from her position as a full time police officer, due to Chief Cioffi's reason for why she cannot return to work, and her belief that because of the state of her and Chief Cioffi's current relationship work would be unbearable and impossible.

Respectfully submitted,
Elizabeth Gebo
By her Attorney,



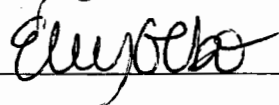
Arthur Hardy-Doubleday
BBO# 683832
Doubleday Law
745 Atlantic Ave
8th Floor
Boston MA 02111
Arthur@doubledaylaw.com
617 575 2006

Dated: 8/31/16

VERIFICATION

I, Elizabeth Gebo, do hereby declare that I have read the foregoing Complaint and know the contents thereof. The same is true to my knowledge except to those matters that are alleged on information and belief; as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on: 31 of August 2016



Elizabeth Gebo